

Marlene E. Thrower	Case No.: 20-22601-CMB
<u>Debtor</u>	Adversary Case No.: 21-02060-CMB
Marlene E. Thrower	CHAPTER 13
<u>Plaintiff</u>	Related to Doc. Nos.: 5, 14 and 15
vs.	
The Bank of New York Mellon f/k/a The Bank of New York, as successor to JPMorgan Chase Bank, and PNC Mortgage, a Division of PNC Bank, National Association	
<u>Defendants</u>	

**STIPULATION TO DETERMINE  
DISCHARGEABILITY OF DEBT AND TO AVOID SECOND LIEN**

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. PNC Mortgage, a Division of PNC Bank, National Association (hereinafter referred to as "Secured Creditor") and Debtor, Marlene E. Thrower (hereinafter referred to as "Debtor"), stipulate that Secured Creditor holds a second mortgage on the real property located at 10212 Pearl Road, Penn Hills, PA 15235 (hereinafter referred to as "the Property"), as evidenced by a certain mortgage dated February 2, 2004, in the principal amount of \$15,192.00 and recorded on May 19, 2004, with the Allegheny County Recorder of Deeds as document number 2004-106455 (hereinafter referred to as the "Second Mortgage").
2. The parties stipulate that the Property appears to lack sufficient equity to secure the Second Mortgage.
3. The parties agree that the Second Mortgage shall be null and void upon the successful completion of the Chapter 13 Plan and issuance of a Chapter 13 discharge order. However, the Second Mortgage shall remain in full effect until that time.
4. In the event that the mortgagee of the first mortgage on the Property, being The Bank of New York Mellon, forecloses on its security interest prior to the Debtor's completion of the Plan and issuance of a discharge order, the Second Mortgage shall attach to the surplus proceeds from the foreclosure sale for the full amount of the balance due and owing under the loan documents and this Stipulation shall be null and void.

5. Further, in the event that the Property is sold, or any mortgage superior in priority to that of the Second Mortgage is refinanced, the lien of the Second Mortgage shall be fully reinstated without further order of this Court.

6. Additionally, nothing in this Stipulation shall be construed as to affecting the rights of The Bank of New York Mellon.

Consented to by:

/s/ Albert G. Reese, Jr., Esq.

Albert G. Reese, Jr., Esq., PA ID # 93813  
Law Office of Albert G. Reese  
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Attorney for Debtor

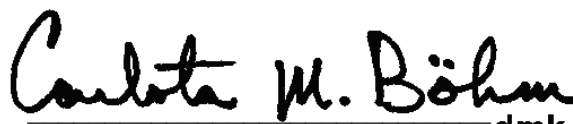
/s/ Maria D. Miksich

Maria D. Miksich, Esq., PA ID # 319383  
KML Law Group, P.C.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106  
Phone: (412-430-3589)  
Email: mmiksich@kmlawgroup.com  
Attorney for PNC Mortgage

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

FILED  
8/23/21 3:17 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

By the Court,



Carlota M. Böhm **dmk**  
Chief United States Bankruptcy Judge

THE CLERK  
SHALL CLOSE  
THIS  
ADVERSARY

Thrower,

Plaintiff

Adv. Proc. No. 21-02060-CMB

The Bank of New York Mellon f/k/a The Ba,

Defendant

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: lfin

Page 1 of 1

Date Rcvd: Aug 23, 2021

Form ID: pdf900

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 25, 2021:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion03.pi.ecf@usdoj.gov	Aug 23 2021 23:13:00	Office of the United States Trustee, Liberty Center., 1001 Liberty Avenue, Suite 970, Pittsburgh, PA 15222-3721

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 25, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2021 at the address(es) listed below:

Name	Email Address
Albert G. Reese, Jr.	on behalf of Plaintiff Marlene E Thrower areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Maria Miksich	on behalf of Defendant PNC Mortgage mmiksich@kmlawgroup.com

TOTAL: 2